IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No: 21975 of 2004

Between:

K. Gangadhar, S/o. K. Subbanna,
Chemmumiapet Village, Cuddapah Mandal & District.

..... PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Kadapa, Kadapa Mandal, Kadapa District.
3 Smt. Bonasi Chennamma, W/o. Late Venkatesh,
R/o. Chemmumiapet Village, Cuddpah Mandal & District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandaus declaring the order dated 26-10-2004 of the Hon'ble A.P. Administrative Tribunal, Hyderabad made in O.A.No.7092 of 2003 as arbitrary, illegal, erroneous and set aside the same.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER (Per GB,J)

This writ petition is filed challenging the order passed by the A.P. Administrative

Tribunal in O.A.No.7092/2993 dated 26.10.2004.

2. The Mandal Revenue Officer – 2nd respondent issued show cause notice of termination to the petitioner in proceedings Ref.No.D/1304/03 dated 21.10.2003. Challenging the same he filed O.A. The learned Tribunal after considering the matter dismissed the O.A. on the ground that O.A. is premature and made it clear that it is open for the petitioner to file an explanation to the show cause notice. Assailing the said order, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that nothing remains for the petitioner except to face termination and, therefore, the Tribunal ought to have entertained the O.A. and adjudicated the same on merits.

4. We are afraid we cannot accept the contention of the petitioner. The petitioner is issued only with show cause notice and admittedly the petitioner did not file his explanation. Only after filing explanation and if the petitioner is aggrieved by the final orders passed in pursuance of the show cause notice, it is open for him to agitate the same before the Tribunal. We do not find any illegality or irregularity in the impugned order. Hence the writ petition is dismissed. No costs.

5. However, the petitioner shall file his explanation, if not already filed, within a period of three weeks from the date of receipt of a copy of this order.

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(G. BIKSHAPATHY, J.)

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(B. SESHASAYANA REDDY, J.)

30.11.2004

AVS/ES

To

1 The District Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Kadapa, Kadapa Mandal, Kadapa District.

3. 2 CCs to the G.P. for Services II, High Court of A.P., Hyderabad (OUT).

4. 2 CD copies.